

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN HEYKOOP, d/b/a
Eagle Towing,

Plaintiff,

v.

COUNTY OF OCEANA, *et al.*,

Defendants.

CASE NO. 1:19-CV-938

HON. ROBERT J. JONKER

ORDER

Defendants removed this case from Oceana County Circuit Court on November 6, 2019 (ECF No. 1). The matter came up for a Rule 16 scheduling conference on January 17, 2020. Plaintiff brings claims under both state and federal law. The Court has original jurisdiction over Plaintiff's federal claims under 28 U.S.C. §§ 1331, 1441. Supplemental jurisdiction under 28 U.S.C. § 1367 provides the only basis for the Court to exercise jurisdiction over Plaintiff's state law claims. For the reasons stated in detail in open court during the scheduling conference, the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367(c). Plaintiff's state law claims are **REMANDED** to Oceana County Circuit Court.

This case is related to another case, *Heykoop v. White, et al.*, Case no.1:18-CV-632 ("*Heykoop I*"). (ECF No. 6.) An interlocutory appeal in *Heykoop I* is currently before the United States Court of Appeals for the Sixth Circuit. (ECF No. 59.) The Court anticipates that a decision on the interlocutory appeal in *Heykoop I* will provide useful guidance in the litigation and resolution of this related case. Accordingly, further proceedings in this case are **STAYED** pending

the outcome of the interlocutory appeal. The Court expects that the parties will be able to conduct appropriate discovery in the state court that could be used in this Court depending on the shape of this case after the Circuit's decision in Heykoop I.

IT IS SO ORDERED.

Dated: January 17, 2020

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE